

**CHILDREN AND FAMILY SERVICES
ADMINISTRATIVE MEMO #8-2008**

TO: Service Area Administrators
Protection and Safety Administrators, Supervisors, and Staff

FROM: Todd L. Reckling, Policy Section Administrator
Division of Children & Family Services

Todd L. Reckling

Approved by: Todd A. Landry, Director
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Date: July 16, 2008

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REGARDING: Implementation of LB 157 - "Safe Haven" law

Effective Date: July 18, 2008 (Date law becomes effective)

Duration: Until revised.

Purpose: To inform staff of the requirements of LB 157 and provide requirements for staff related to implementation of the law.

Action Required: See "Department Action" below.

Introduction and Background: Legislative Bill 157, also known as the "Safe Haven" law, was passed by the Legislature and signed by the Governor on February 13, 2008. It becomes effective on July 18, 2008. The law provides that a person that leaves a child in the custody of an employee on duty at a hospital licensed by the State of Nebraska will not be prosecuted for leaving the child at the hospital. When a hospital receives a child, the law requires the hospital to contact local law enforcement. Law enforcement will respond by taking the child into protective custody. Law enforcement will then notify the Department as authorized under Neb. Rev. Stat. § 28-711.

Goal: When children are placed with the Department under the "Safe Haven" legislation, the goal of the Department is to ensure safety, permanency and well-being of the child.

Department Action: When law enforcement places the child in the temporary custody of the Department, the Department will take the following actions:

Intake Worker: The Protection and Safety Worker must enter the child's intake information on N-FOCUS as a "dependency" and the child's name (first and last) if known.

If the child's name is unknown the Worker will not make up a name, but will:

1. Obtain a name for the child as follows:
 - a. For a child age birth to three, enter the child as "baby boy or baby girl." The worker will obtain the child's last name from the list of temporary names as provided by the Department. The worker will use the next name on the list;
 - b. For a child age three or older, the worker will enter the child's first name of the child if known, if unknown the first name will be listed as "child" and the last name from the list of temporary names. The worker will use the next name on the list.
 - c. Name Determination or Selection: If a child's name is determined, either by locating the parent(s) or as selected by the adoptive parent(s), the child's name, when known, will be changed on N-FOCUS;
2. Complete a 'Critical Incident Report' and distribute the report as required;
3. Select "Safe Haven" as the reason for removal on N-FOCUS;
4. Arrange for placement of the child; and
5. Forward the intake information to his/her Supervisor for assignment of a Worker to complete a Safety Assessment.

NOTE: the Department may not consent to treatment of a child left at the hospital under the "Safe Haven" Act unless or until that child is in the Department's custody.

Initial Assessment Worker: The Protection and Safety Worker assigned to complete the assessment must:

1. Contact the County Attorney to determine if any additional information is needed from the Department in order to file a petition for custody;
2. Attempt to locate the parent(s) or extended family;
3. Complete a thorough safety assessment as soon as possible using the information that is known about the child; and
4. Transfer the case to an ongoing protection and safety worker to provide ongoing services and any additional assistance to the child and family.

Other Department Actions: The Department will take the following actions regarding the child in order to facilitate permanency for the child:

1. Reunification: If parents are located and reunification is the permanency plan, services must be offered to the child and family to facilitate reunification; or
2. Adoption: If adoption is the permanency plan for the child, the Department will work with the County Attorney's office to expedite a termination of parental rights action.